



Department of Employment Dispute Resolution

INFORMATION ABOUT THE MEDIATION PROCESS

Mediation Process. Mediation is a voluntary process by which participants, together with the assistance of a neutral person or persons, share perspectives and isolate disputed issues in order to develop options, consider alternatives, and reach a mutually acceptable resolution to their dispute. Participants in a mediation make informed and deliberate decisions to resolve past problems and discuss future relationships directly and confidentially. The mediation process is used for two-party as well as group disputes. The mediators assist parties in exploring alternatives that may resolve their concerns and reaching an agreement on the best alternatives for them. Mediation intends to enhance communication and understanding. Mediations often conclude with the parties creating a formal agreement to resolve their issues.

Time Expectations. While there is no time limit on the length of the mediation process, sessions typically last 3-8 hours. The time spent in the mediation is governed by the complexity of the issues, the participants' willingness to communicate openly and fully discuss the identified issues, and commitment to reach a mutually satisfactory resolution with the other party. We strongly recommend that participants schedule no appointments on the day of the mediation.

Mediator's Role. The mediator is a facilitator of the communications process, not advocate, judge, jury, counselor, or therapist. The mediator does not give legal advice, solve the dispute, express an opinion on who is right or wrong, or make decisions for the parties. The mediator will help the parties to generate possible solutions and to choose a solution acceptable to each of them. At times, the mediator may meet separately with the participants during mediation to further the communication process.

Participant's Role. The parties must be voluntary participants, be sincerely interested in resolving their differences, have a certain trust in the mediation process, and be willing to talk openly and honestly about their concerns and issues. For mediation to be effective, participants must listen and be respectful for the success of the process. These discussions may become the basis of a resolution.

Confidentiality. The mediation process is confidential. Anything said during the process should remain in the room and should not be used by either party for any reason outside of the mediation room. For example, while sharing the fact that mediation took place or that an agreement had been reached generally would not be a breach of confidentiality, saying what the other party said, or what the other party experienced during the mediation would be a breach of confidentiality. Exceptions to confidentiality are: evidence of abuse, threats of physical harm, specific information participants agree to share outside of mediation and information shared during mediation that is already known or could be obtained through other means. Notes or other material generated during the mediation process must be destroyed at the conclusion of the mediation session. The only written material that becomes a record is the agreement that the parties reached. The terms of the agreement are shared only with EDR's Workplace Mediation Team Leader and the Agency Workplace Mediation Coordinator. The agreement is not shared with nonparty supervisors or other management personnel within the agency.

Prior to the beginning of each mediation session, the mediators will ask participants to sign a "Consent to Mediate" form.

